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February 6, 2006

**VIA ELECTRONIC FILING**

Honorable Jose L. Linares, U.S.D.J.  
United States District Court  
Martin Luther King, Jr. Federal Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**RE: McGOVERN v CITY OF JERSEY CITY, et al.**  
**DOCKET NO.: 98-5186 (JLL)**

Dear Judge Linares:

Plaintiff is in receipt of the "Letter Brief-Motion" filed by counsel for the individual Jersey City defendants on behalf of Jersey City. Plaintiff respectfully notes that the apparent "Cross Motion for Reconsideration" was filed out of time under Local Civil Rule 7.1(i). The rule requires that Motions for Reconsideration be served and filed within 10 business days after entry of the Order, and that time has already passed. The attempt to characterize the document as a "cross-motion" is a poor attempt to circumvent the rule requirements.

In addition, counsel has failed to establish any basis for re-argument on the issue he raises, and because Mr. Booth does not represent Jersey City in this action, Plaintiff submits that counsel has no standing to seek re-argument on that entity's behalf.

Finally, Mr. Booth notes that Plaintiff's expert regarding municipal liability has recently died. While Plaintiff acknowledges that the Court will likely have to address this development at a later time if the March 8<sup>th</sup> Settlement Conference is unsuccessful, Plaintiff does not see how Mr. Fyfe's death has any direct bearing on the pending Motion for Re-argument filed by Hudson County.

Plaintiff respectfully requests that the Court disregard Mr. Booth's untimely "letter brief", and that the Court consider only Hudson County's Motion for Re-argument and the timely opposition to that Motion filed by Plaintiff on February 2.

Respectfully Submitted,

**s/ D. Gayle Loftis (DL6184)**  
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